



Judicial Nomination Commission
Attention: Andy Suenram
P.O. Box 1366
Dillon, Montana 59725

November 1, 2009

Dear Commission Members:

I was appalled to read that Brenda Desmond of Missoula had submitted an application for a seat on the Montana Supreme Court. My husband and I own ranch property adjacent to the property of Ms. Desmond that was completely burned during the 2006 Derby Fire. Ms. Desmond was our only neighbor who refused to repair the boundary fence, then further refused to pay for the repairs we made of necessity to her portion of the fence. Those repairs were essential as she leases her land for livestock, as do we.

I believe that Montana fence law is very clear, even to non- attorneys, and yet Ms. Desmond blatantly ignored the law and forced us to file a complaint in Justice Court in Sweet Grass County. In her personally written counter claim, she stated that we had trespassed to repair a boundary fence, which is a ludicrous and vacuous statement. Right at the time of the court date, she signed a stipulation in which she agreed to pay us the money she owed before January 14, 2010. I might add that we represented ourselves, whereas Ms. Desmond had an attorney work on her behalf.

Ms. Desmond's actions indicated to me that she either does not bother to know Montana law or is not capable of understanding the law. She forced us and the Court to waste time and money instead of being able to mediate, which Webster defines as "to reconcile differences" and which she claims as her area of expertise.

I have never personally met Ms. Desmond and this is in no way meant to be a personal attack. I have merely tried to set forth the facts which I believe would unequivocally show her to be unfit to be considered for the Montana Supreme Court. I am available by telephone at 406-328-6396 if more information is required of me.

Sincerely,

Janice Mytton D.V.M
Burradoo Ranch
856 N. Stillwater Road
Absarokee, Montana 59001
bmytton@nemontel.net
www.burradooranch.com

----- Original Message -----

From: "Sheila Hurd" <sheila.hurd@gmail.com>

To: <asuenram@swmtlaw.com>

Sent: Sunday, October 18, 2009 10:02 PM

Subject: Brenda Desmond

> To Andy Suenram Chair of Judicial nomination Committee,
> I would like to nominate Brenda Desmond to the MT Supreme Court
> to fill the vacancy of Justice Warner Havre. Brenda worked tirelessly
> to get the Missoula Mental Health Court started. She has a good
> understanding of community needs, the judicial system, and ethics. She
> has helped me personally to receive help for my son who has
> co-occurring disorder and has been in the criminal justice system as
> a Juvenile and now dept of Corrections system to get needed help. She
> is knowledgeable, professional and compassionate.
> Sincerely,
> Sheila Hurd RN
>

RECEIVED OCT 23 2009

COURTNEY STONE FULLERTON, PLLC

Courtney Fullerton
Attorney at Law

October 22, 2009

Andrew P. Suenram
P.O. Box 1366
Dillon, MT 59725

RE: Judicial Nominating Commission – Brenda Desmond

Dear Mr. Suenram,

As you know, Brenda Desmond has applied to fill Justice Warner's position on the Supreme Court. I'm writing to express my support for this well qualified, and lovely, candidate. I began my legal career in Missoula, which focused on family law. As a result, I appeared in front of Ms. Desmond in her capacity as Standing Master on many occasions, most of which were unhappy for all parties involved. Never once did I see Ms. Desmond's composure or professionalism slip, no matter how heated proceedings became. Never once did I have to explain a poorly written order to a client, because Ms. Desmond simply does not issue such orders. Hers are all well thought and in step with the realities of world outside the courtroom. Montanans would be well served by such a Supreme Court Justice. I hope you will consider Ms. Desmond for the position.

Very truly yours,


COURTNEY S. FULLERTON

----- Original Message -----

From: "Alexis Volkerts" <alexis@disabilityrightsmt.org>

To: <suenram@swmtlaw.com>

Sent: Tuesday, October 27, 2009 5:12 PM

Subject: Judicial Appointment to Supreme Court

To Whom It May Concern:

I have worked with Brenda Desmond in a variety of capacities over the last 12 years: as a board member of the Western Service Area Authority, as the chair of the Missoula Gains Diversion project, and as a Special Master and Magistrate for the 4th Judicial District and Mental Health Court. She has demonstrated a deep commitment to the issues of justice, creative thinking in the face of long standing problems, a willingness to volunteer her ideas, energy and time to create solutions, as well as an excellent ability to express her ideas and conclusions in written form.

Ms. Desmond has been a integral and essential force in obtaining funding and programs for youth in the juvenile justice system, finding solutions to the criminalization of people with mental illness, developing long range plans for improving mental health services in the community, and addressing the burgeoning problems with drug use in our youth culture, among others. She has the exceptional ethical integrity, analytical capacity and commitment to our community which are essential in any good justice.

Moreover, Ms. Desmond has demonstrated her emotional intelligence and advanced people skills in bringing together diverse and often conflicting elements to successfully find solutions to difficult community issues. She carefully considers all sides to an issue and articulates the basis for her recommendations clearly and persuasively. She has the intellectual capability, the emotional maturity and the commitment to justice so necessary to serve as an excellent Supreme Court Justice.

I recommend her without reservation to the Associate Justice position on the Montana Supreme Court.

Alexandra Volkerts

Attorney

339 South 5th Street East

Missoula, MT 59801

Phone: (406) 542-9395

Alexis@matr.net

----- Original Message -----

From: "Dan Cravy" <dan@fpcmissoula.org>

To: <asuenram@swmtlaw.com>

Sent: Tuesday, November 03, 2009 9:55 AM

Subject: Brenda Desmond

> Dr. Mr. Suenram,

>

> Greetings from the church of A River Runs Through It. This is to send
> you my whole-hearted endorsement of Brenda Desmond as she seeks an
> appointment to the Montana Supreme Court.

>

> I've known Brenda for four and a half years now as pastor of her
> church, First Presbyterian, in Missoula, where she serves in
> leadership as an elder on our session (ministry board). And Brenda is
> a woman I admire deeply for her integrity, her faithful generosity,
> her fair-minded dealings with others, her willingness to speak the
> truth, her warmth of encouragement, and her passion for a merciful
> justice. Brenda is the kind of person who can even disagree with you
> in a way that makes you feel good about yourself! She is the kind who
> takes the time to build up beaten-down parents, helping us believe we
> can make it.

>

> In our church community Brenda has spent years and years as a
> ministry volunteer dedicated to raising up our children and youth to
> be persons of faith and character. Her heart and advocacy for
> outsiders, for those whom others often ignore, have served not only
> as a model for children, youth, and adults in our congregation, but
> spoken to the wider community about the kind of values we aspire to
> as a people, about the society we hope to become.

>

> I'm sure the field of candidates is a vast one. Thank you for your
> work on behalf of us all. I wanted you to know that Brenda Desmond is
> more than a dedicated and tireless legal professional. She's a woman
> of character whom we could all be proud to call Justice.

>

> Respectfully,

> Dan Cravy

>

> Dan Cravy

> Co-Pastor

> First Presbyterian Church

> (406) 549-5144

> dan@fpcmissoula.org

>

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>

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----- Original Message -----

From: "Charlotte Beatty" <charbeatty@hotmail.com>

To: <asuenram@swmtlaw.com>

Sent: Wednesday, November 04, 2009 9:36 AM

Subject: Brenda Desmond for Supreme Court vacancy

Greetings,

I would like to offer some comments regarding Brenda Desmond, who has applied for the Supreme Court vacancy that will arise upon Justice Warner's retirement. I have worked with Brenda Desmond for over three years now at the Missoula District Court. I am a law clerk for Judge Deschamps and have always found Brenda's door open whenever I have a complicated legal issue to decipher or need guidance on an opinion. Brenda is, quite frankly, a brilliant legal scholar. My husband, a local oncologist and researcher, agrees. Brenda loves the study of law and unraveling complicated legal questions. She is a wonderful person to work with and has a great sense of humor. She is also an optimist; something essential to our "line" of work at times. Brenda leaves her personal views out of any legal analyses she is faced with and has been a great advocate for improving the justice system. Her work with drug court, mental health court and juvenile justice is but one example of her tireless quest to make the system run more efficiently with fairness to all parties.

I have to say I would really miss Brenda should be appointed by the governor. She has been my only mentor, and a superior one at that. Because of Brenda, I have become a very proficient, accomplished legal researcher and writer. I have to come to love the law as a result of Brenda's guidance, curious mind, enthusiasm and knowledge. Brenda Desmond is head and shoulders above any of the other candidates. She is perfectly cut out for the position of Supreme Court Justice. Many of my colleagues also agree that Brenda is by far the best choice for this position. The hard part about writing this letter of support for Brenda is that, should she be chosen, I would miss her beyond belief both professionally and personally!

Thank you,

Charlotte Beatty

7755 Grant Creek Road

Missoula, MT 59808

406-728-7705

----- Original Message -----

From: "Kathy Schneider" <kschneider@missoulacatholicschools.org>

To: <asuenram@swmtlaw.com>

Sent: Wednesday, October 21, 2009 12:37 PM

Subject: Brenda Desmond

Brenda Desmond has my support for appointment to the Montana Supreme Court.

----- Original Message -----

From: <cotnoirk@aol.com>

To: <asuenram@swmtlaw.com>

Sent: Thursday, November 05, 2009 3:40 PM

Subject: Montana Supreme Court applicant Brenda Desmond

Dear Chairman Suenram,

I have known Brenda Desmond for about seven years. I know her to be an individual of outstanding personal character. She possesses an innate sense of fairness as well as compassion, humor, stamina and decisiveness. She has excellent experience in many areas of Montana law, including legislative, tribal, youth and education. Brenda would make an excellent Supreme Court Justice and I urge you to include her in your recommendation to the Governor.

Sincerely,

Kathryn A. Cotnoir

Dear Judicial Nomination Commission:

November 6, 2009

Re: Application of Brenda Desmond

I have been an attorney for 23 years and I have known Brenda Desmond for ten of those years. I practice almost exclusively in the Missoula County Courthouse where she has been a Standing Master since 1994. She also happens to be a neighbor and friend.

You don't need me to tell you how her life's experience makes her a competitive and highly qualified candidate for a Supreme Court Judge; you have her resume.

What a resume doesn't tell you is that Brenda has spent the past 20 years working full time, and raising two boys by herself. This tribute to single motherhood and all she has accomplished during that time may not be relevant criteria to consider among some people.

Yet, when most lawyers slump home after long and difficult days, Brenda's second shift is just beginning. Whether it's off to leading Youth groups at the church, or preparing

Power Point presentations on Indian rights, her positive energy and industriousness never wanes.

Her tireless devotion to excellence in both parenting and lawyering is unmatched by anyone I have ever met. From sunrise to sunset she tackles complex problems with thoughtful reflection, input from many; yet able to make a decision when it has to be made.

Sometimes the true test of character is when a person is exhausted or depleted. As her friend, I know some challenging nights she may have had raising two boys by herself. As a lawyer, I often saw her in court the following morning at 8:30 a.m. No matter how depleted she may have felt, she always treats every defendant, every lawyer, every staff or support person with the same kindness, respect, and objectivity that we should all strive to emulate.

You may have run into her on some weekends; attending her kids' baseball games, driving to speech and debate competitions, bringing dinners to sick friends/ relatives. You may have noticed she always had a box of "work"; grants to

write, legislative articles to scour, and judicial opinions to render.

On the bench or on a canoe trip, she is unflappable and committed to making the world a more just and fair place for everyone.

As a trial lawyer, I am, by nature contentious and opinionated. Brenda and I have disagreed and debated moral quandaries, philosophical conflicts and challenging parenting differences for ten years. Sometimes I win, sometimes I lose, but she has always matched any argument with sage, reflective, compassionate and intelligent insights.

For all the above, and more, Brenda would be a valuable member of the Supreme Court team.

Lisa B. Kauffman

1234 S. 5th St West

Missoula, Montana 59801

406-542-2726

Lisabk123@msn.com

----- Original Message -----

From: "Tom Lynaugh" <tomlynaugh@gmail.com>

To: <asuenram@swmtlaw.com>

Sent: Thursday, November 12, 2009 8:58 AM

Subject: Recommendation for Brenda Desmond

> To the Judicial Nomination Commission:

> My purpose in writing is to strongly recommend Brenda Desmond
> for

> the position of Associate Justice of the Montana Supreme Court. I have
> known

> Brenda for over 30 years. During that time, she has had an enormously rich
> and varied legal career that has allowed her to acquire the qualities
> necessary to be an effective appellate judge. Although the examples are
> numerous, I will mention just a few.

>

> In her experience as a consultant to Tribal Courts and her
> experience both in the Legislative Council and as a District Court law
> clerk, Brenda possesses both the knowledge and the research abilities to
> be
> an appellate judge. In her experience as a master and a mediator, Brenda
> has developed both an understanding of the legal process from both sides
> of
> the issue and has acquired a judicial demeanor that will serve her well on
> the Montana Supreme Court. Her overall experience has left Brenda open
> minded and independent but amenable to consensus. I am proud to recommend
> Brenda for this position because she merits your serious consideration.
> Thank you.

>

> Tom Lynaugh

>

> 3114 Country Club Circle

>

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>

> Billings,
> MT 59102

>

>

>

> 406-245-9466

>

DATE: November 12, 2009

TO: Judicial Nominating Committee
c/o Andrew Suenram,
Secretary of the Judicial Nomination Commission

RE: Application of Brenda Desmond
for Montana Supreme Court Justice

I am writing to express my support for Brenda Desmond for the position of Montana Supreme Court Justice. I have worked with Ms. Desmond in a variety of situations and feel that she would be an excellent Supreme Court Justice. In fact, I would be hard-pressed to think of anyone who is a better candidate for this position.

I first met Ms. Desmond when I was a law student and she was teaching Legal Writing as well as Legislative Drafting. I found her to be very knowledgeable and helpful in her role as my law professor. Ms. Desmond was a careful and precise drafter of legislation and a good teacher. A large number of bills that we worked on in her class were passed and are in place today as statutes.

Over the years, I have asked Ms. Desmond to present several CLEs and trainings on behalf of Montana Legal Services and other non-profit organizations. She has always willingly agreed to provide her services at no-charge. Even though Ms. Desmond is very busy, her presentations have been well-organized and well-researched, with detailed outlines. In one presentation on jurisdiction and orders of protection, she provided a thorough legal basis for all of the jurisdictional requirements and addressed full faith and credit in a mere six page outline. This was extraordinarily helpful to the attorneys working in the field.

Ms. Desmond has also presented trainings for Guardians ad Litem and Indian Law practitioners where she is always exceptionally well-prepared and well-versed in all appropriate legal authority. Ms. Desmond is also to be commended for her vision and accomplishments in creating and maintaining Missoula's Youth Drug Court and Co-occurring Treatment Court. She has been the key factor in obtaining the grant monies that support these and other court programs.

Finally, Ms. Desmond has demonstrated a fine judicial temperament in her role as a Standing Master. She has a reputation amongst attorneys for being fair, reasonable, and objective. She is clearly dedicated to her work and is hard-working, extremely intelligent and brings great compassion to her judicial role. Importantly, Ms. Desmond does not let her personal views interfere with her jurisprudence. She has the skills, knowledge, ability and temperament to draft well-reasoned legal opinions as a Montana Supreme Court Justice.

In short, Brenda Desmond exhibits all of the qualities that attorneys and parties seek in a Supreme Court Justice. I sincerely hope that you will nominate her for Justice Warner's seat on the Montana Supreme Court.

Sincerely,

Amy S. Rubin
Attorney at Law
P.O. Box 8342
Missoula, MT 59807
(406) 541-4141



* **NAMI-Missoula** box 5413, Msla, Mt. 59806

The National Alliance on Mental Illness of Missoula advocates for better treatment for people with mental illnesses, reduction in stigma against them, and education of the public on these diseases.

Too many with untreated brain disorders end up in the criminal justice system, placing them in court, jail or prison. These illnesses are the result of neurological brain malfunctions that can cause behaviors considered unusual or criminal. With proper diagnosis and treatments, recovery is possible. But untreated mental illnesses can lead to tragedies.

We support Brenda Desmond's bid for a vacated seat in the Montana Supreme Court. Her initiative to develop a way to divert people with mental illness and addiction from jail or prison into proper treatment meets the goal of NAMI to improve and normalize the lives of these citizens.

NAMI-Missoula is a participant in Brenda's local advisory group on how to improve this process along with parole officers, jailers, county attorney office personnel, public defenders and service providers. This effort has improved the current system and informed the public about program.

Treatment of the native American population with mental illness and addiction issues requires sensitivity to cultural beliefs and practices. Brenda's experience as a tribal judge helps her with any native American issues, including mental illness, arising before the court.

We strongly support Special Master Brenda Desmond's application to fill the vacancy in the Montana Supreme Court.

Sincerely,

Marty Onishuk, Vice President
5855 Pinewood Ln.
Missoula, Mt. 59803
406-251-2754

Nov. 12, 2009



Maylinn Smith

Attorney at Law

70043 Price Lane

Arlee, MT 59821

406.880.4435

arl4435@blackfoot.net

Judicial Nomination Commission

C/O Andy Suenram

P.O. Box 1366

Dillon, MT 59725

RE: Brenda Desmond

Dear Judicial Nomination Commission:

After reviewing the pertinent qualifications for the position of Montana Supreme Court justice, and discovering I could put a check mark next to each item, I feel compelled to submit a letter in support of Brenda Desmond's application. I have known Ms. Desmond for almost 25 years. I first met Brenda Desmond when she was an instructor at the law school. After I graduated from law school, she became an invaluable resource and mentor to me in the area of Indian law and in my role as Director of the Indian Law Clinic at the law school. She remains a close friend and colleague with whom I frequently discuss various aspects of Indian law, social justice issues and legal procedures.

Brenda Desmond's scope of experience would significantly enhance and enrich the deliberation process associated with appeals on a variety of levels. Like the justice she would be replacing, Ms. Desmond has experience handling many duties of a district court judge in her role as standing master. This direct understanding of the operational structure and processes utilized in district courts provides a perspective on appellate issues that could not be represented by any of the other candidates. I feel this type of viewpoint diversification benefits discussions in connection with the appeals process and ultimately helps insure better reasoned decisions and clear direction to lower courts.

In addition to her lengthy experience in the state district court, Ms. Desmond continues working with tribal justice systems, particularly with the Tribes

found within Montana. Her work as an appellate judge for the Confederated Salish and Kootenai Tribes and as Chief Judge for the Fort Peck Tribal Court of Appeals gives her significant experience regarding the responsibilities and challenges of an appellate judge. In that role, Ms. Desmond has demonstrated her ability to work in a collaborative setting; to avoid undue influence; to address issues in a fair, reasonable, objective and timely manner; and to issue thoughtful, well-reasoned opinions. Based on my knowledge of the other candidates, I feel comfortable saying Ms. Desmond possesses the strongest foundational knowledge of Indian law principles of the candidates. This is an added bonus to the justice position, given the complexity and frequency of Indian issues addressed by the Montana Supreme Court.

Brenda Desmond generously gives her time to a variety of community, professional and tribal projects. Her involvement in school events, church activities and social justice issues is admirable. Her mediation work, alternative sentencing work and advocacy for funding these types of projects is remarkable. Brenda Desmond's consistent willingness to provide training, support and guidance to tribal court systems should also be acknowledged. The extent of these activities becomes even more amazing when you factor in the realities and responsibilities of being a single parent of two children.

Complimenting both her community work and legal skills is Brenda Desmond's compassion. This aspect of her character is admirably demonstrated by her work in the Missoula Youth Drug Court and Mental Health Court. Ms. Desmond's ability to understand and address the multifaceted aspects of crime and conflict reflects a view of justice going far beyond black and white. This is exactly the type of justice that I want serving on an appellate court.

In closing, I strongly encourage you to select Brenda Desmond to fill the vacancy on the Montana Supreme Court. She possesses the legal skills, the foundational knowledge, the personal traits and dedication to make an exceptional justice. Brenda Desmond represents needed gender balance, vast practical experience, good writing skills and integrity. Her presence would benefit the appellate court and Montana.

Please contact me if you need additional information.

Sincerely

Maylinn Smith

----- Original Message -----

From: <carl2j@aol.com>

To: <asuenram@swmtlaw.com>

Sent: Tuesday, November 17, 2009 10:47 PM

Subject: Montana Supreme Court Vacancy

Mr. Andy Suenram
Chairman of Judicial Nomination Commission

Dear Sir:

When we heard that Brenda Desmond had submitted her application to fill the vacancy on the Montana Supreme Court created by the early retirement of Justice John Warner, we wanted to state our enthusiastic support. We have worked along side Brenda in many volunteer civic and community affairs and know her to be intelligent, of honest and moral character, reasonable, and industrious. In all situations we have found Brenda well prepared to offer decisive and deliberate leadership as she worked well alongside others. Throughout her life and career, Brenda has exhibited dedication and professionalism toward the ends of fairness and equal justice. Sound judgement and an endearing sense of humor can be seen in Brenda's well-developed speaking and writing abilities. If you are looking for a dedicated professional with a well-rounded resume of experience, Brenda would be the obvious choice. We wholeheartedly recommend that Brenda Desmond's name be forwarded to our Governor for further consideration. Thank you for your leadership of the Judicial Nomination Commission.

Sincerely,
Carl and Cathy Johnson

Memo

To: Andy Suenram
From: Amy Howard
Date: November 18, 2009
Re: Public Comment for Judicial Nomination Commission

I received a telephone call from Mr. Thomas Camel of Ronan, Montana who wished to submit his recommendations for two of the Supreme Court Candidates. Mr. Camel was unable to submit his comments in writing and asked that I relay his recommendations for him.

Mr. Camel is a Vietnam Veteran of both Native American and African American descent. He resides on the Flathead Indian Reservation and is an advocate for both cultural issues and mental health issues in Montana.

Mr. Camel would like to recommend Brenda Desmond because she is active in the mental health community and has advocated for model services for mental health wellness. He feels she has a great background in mental health wellness and would like her to be there for him in that regard.

Mr. Camel would also like to recommend Joey Jayne because of her good background in the law. She is a Native American and is very intelligent. She is active in cultural issues. Mr. Camel expressed that living on the reservation there are a number of different agencies governing the same area: in particular, law enforcement agencies: there are both tribal and other local law enforcement agencies. He feels the Native Americans get the short end of the deal. Joey Jayne is a Native American, and he feels it would be nice to get a breakthrough like that to have the first Native American appointed to the Supreme Court.

Thomas Camel, PO Box 679, Ronan, MT 59864, (406)207-7617

----- Original Message -----

From: "Denelle" <dpappier@aol.com>

To: <asuenram@swmtlaw.com>

Sent: Wednesday, November 18, 2009 3:05 PM

Subject: Montana Supreme Court Candidate Recommendation

Dear Mr. Suenram:

I am very happy to write a letter offering the highest recommendation possible for Brenda Desmond, who is a candidate for the position on the Montana Supreme Court. For the past three years, Brenda and I have served on the board of the Western Service Area Authority (WSAA), which is a volunteer board giving oversight to the Department of Public Health and Human Services on issues relating to mental health in the western portion of Montana.

I serve on the WSAA Board as Secretary and, as such, I interact with all board members at the regular monthly meetings. I have consistently observed Brenda's interactions with board members and the general public to be pleasant and appropriate. She is professional, approachable and positive. From our work together for the WSAA, I know her to be extremely dedicated and responsible to completing all tasks that she undertakes. Brenda's legal expertise, insights and analyses have been invaluable to meeting our goal of advocating for mentally ill consumers. She is organized and thorough in the completion of her duties; she is well-spoken and her quiet, calm manner has been greatly appreciated in some "nearly-contentious" board discussions.

Thank you for the opportunity to advocate for this exceptional candidate. If you have any questions or would like to discuss this further, please contact me at 406-363-1311 or dpappier@aol.com whenever is convenient for you.

Sincerely,

Denelle Pappier, R.N., M.S.
111-A Erie Avenue
Hamilton, Montana 59840